

REMARKS

In the Final Office Action, the Examiner rejected claims 1, 4-11, 15, 16, 26, 27, 41, 44-51, 56, 66, 67, and 86 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,798,753 to Doganata et al. ("Doganata") in view of U.S. Patent No. 6,690,672 to Klein ("Klein"); rejected claims 12, 13, 22-25, 33-37, 52, 53, 62-65, 73-77, 82, and 83 under 35 U.S.C. § 103(a) as being unpatentable over Doganata and Klein in view of U.S. Patent No. 6,801,610 to Malik ("Malik"); rejected claims 17 and 57 under 35 U.S.C. § 103(a) as being unpatentable over Doganata and Klein in view of U.S. Patent No. 4,540,850 to Herr et al. ("Herr"); rejected claims 18-21 and 58-61 under 35 U.S.C. § 103(a) as being unpatentable over Doganata and Klein in view of U.S. Patent No. 6,697,796 to Kermani ("Kermani"); rejected claims 28-32 and 68-72 under 35 U.S.C. § 103(a) as being unpatentable over Doganata and Klein in view of U.S. Patent No. 6,163,692 to Chakrabarti et al. ("Chakrabarti"); rejected claims 38, 40, 78, 80, 81, and 85 under 35 U.S.C. § 103(a) as being unpatentable over Doganata, Klein, and Malik in view of U.S. Patent No. 5,638,434 to Gottlieb et al. ("Gottlieb"); and rejected claims 39, 79, and 84 under 35 U.S.C. § 103(a) as being unpatentable over Doganata, Klein, Malik, Chakrabarti, and Gottlieb in view of U.S. Patent Application Publication No. 2003/0053612 of Henrikson et al. ("Henrikson").

By this amendment, Applicants propose to amend claims 1, 32, 33, 39-41, 72, 73, 79, 80, and 82-86. Support for the proposed amendments can be found in the specification, for example, on page 44, line 20 - page 45, line 12; page 50, line 5 - page 51, line 11. Claims 1, 4-13, 15-41, 44-53, 55-80, and 82-86 are currently pending,

with claims 1, 33, 39-41, 73, 79, 80, and 82-86 being independent. Claims 2, 3, 14, 42, 43, 54, 81, 87-90 were previously canceled without prejudice or disclaimer. Based on the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and withdrawal of the rejections of the pending claims.¹

I. The § 103(a) Rejection of Claims 1, 4-11, 15, 16, 26, 27, 41, 44-51, 56, 66, 67, and 86 Based on Doganata and Klein

Applicants traverse the § 103(a) rejection of claims 1, 4-11, 15, 16, 26, 27, 41, 44-51, 56, 66, 67, and 86 because a *prima facie* case of obviousness has not been established with respect to claims 1, 4-11, 15, 16, 26, 27, 41, 44-51, 56, 66, 67, and 86.

Independent claim 1 recites, among other things, “providing the participant users with one or more options for declining the conference call, the one or more options including an option for declining participant users to specify a period of time to delay the conference call, wherein the declining participant users are contacted again for the conference call after the specified period of time expires.” Doganata and Klein, taken alone or in combination, fail to teach or suggest at least this recited element.

The Final Office Action correctly observes that “Doganata does not explicitly suggest providing users with one or more options for declining the conference call including an option for declining participant users to specify a period of time to delay the conference call.” Final Office Action at 4. The Final Office Action, however, attempts to

¹ As Applicants’ remarks with respect to the Examiner’s rejections are sufficient to overcome these rejections, Applicants’ silence as to assertions by the Examiner in the Final Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

cure the deficiencies of Doganata by relying on Klein. The Final Office Action asserts that “Klein teaches providing users with one or more options for declining participant users to specify a period of time to delay the conference call (col. 5, line 62 through col. 6, line 6[.]).” Id. Applicants disagree.

Klein discloses that “if . . . there was no conference call set-up request made (i.e., the destination caller was unreachable or declined the call), then the applet executes receptionist options (step 460), such as message drop, call redirection, and information presentation.” Klein, col. 5, lines 62-66. Although Klein provides that “[t]hese numerous receptionist options are extensible as would be understood by one skilled in the art,” Klein teaches nothing about the receptionist options “including an option for declining participant users to specify a period of time to delay the conference call,” as recited in independent claim 1. Klein, col. 5, line 66 - col. 6, line 6. None of the three examples of the receptionist options disclosed in Klein (i.e., message drop, call redirection, and information presentation) is related to “providing the participant users with . . . an option for declining participant users to specify a period of time to delay the conference call,” as recited in independent claim 1. Moreover, the receptionist options disclosed in Klein do not teach or suggest that “the declining participant users are contacted again for the conference call after the specified period of time expires,” as recited in amended independent claim 1.

The Examiner, however, in clearly improper hindsight fashion, asserted that “it would have been obvious that one of the options would be to reschedule the conference at later time, and since the participant users know when is the later time the conference rescheduled then the period of time delay between the present conference the later

reschedule conference is also known.” Final Office Action at 4. The Examiner’s assertion is clearly improper especially because the Examiner failed to resolve the level of ordinary skill in the art and failed to provide any evidence or explanation why one of ordinary skill in the art would find “providing the participant users with . . . an option for declining participant users to specify a period of time to delay the conference call” obvious. The Examiner’s assertion is based on knowledge gleaned from Applicants’ disclosure, and clearly impermissible.

In view of the above-noted deficiencies of the Doganata and Klein references and the Final Office Action, the Final Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and claim 1. Also in view of those deficiencies, no combination of the applied references can possibly yield claim 1. Nor could claim 1 have been predictable from the applied references. Further in view of those deficiencies, there would have been no motivation for one of ordinary skill in the art to modify the teachings of the references to achieve the claimed combinations. Thus, the Final Office Action has failed to clearly articulate a reason why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to independent claim 1, and Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a).

Claims 41 and 86, although of different scope, recite elements that are similar to those discussed above with respect to amended independent claim 1. For at least reasons similar to the reasons set forth with respect to amended independent claim 1, a *prima facie* case of obviousness has not been established with respect to amended

independent claims 41 and 86. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of amended independent claims 41 and 86 based on Doganata and Klein.

Claims 4-11, 15, 16, and 27 depend from amended independent claim 1, and claims 44-51, 56, 66, and 67 depend from amended independent claim 41. Dependent claims 4-11, 15, 16, 26, 27, 44-51, 56, 66, and 67 are thus allowable at least by virtue of their dependence from an allowable independent claim. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of dependent claims 4-11, 15, 16, 26, 27, 44-51, 56, 66, and 67 based on Doganata and Klein.

II. The § 103(a) Rejection of Claims 12, 13, 22-25, 33-37, 52, 53, 62-65, 73-77, 82, and 83 Based on Doganata, Klein, and Malik

Applicants traverse the § 103(a) rejection of claims 12, 13, 22-25, 33-37, 52, 53, 62-65, 73-77, 82, and 83 because a *prima facie* case of obviousness has not been established with respect to claims 12, 13, 22-25, 33-37, 52, 53, 62-65, 73-77, 82, and 83.

Dependent claims 12, 13, and 22-25 depend from amended independent claim 1, and dependent claims 52, 53, and 62-65 depend from amended independent claim 41. Dependent claims 12, 13, 22-25, 52, 53, and 62-65 thus incorporate elements recited in independent claims 1 or 41. As explained above with respect to independent claims 1 and 41, Doganata and Klein, taken alone or in combination, fail to teach or suggest “providing the participant users with one or more options for declining the conference call, the one or more options including an option for declining participant users to

specify a period of time to delay the conference call, wherein the declining participant users are contacted again for the conference call after the specified period of time expires,” as recited in amended independent claims 1 and 41.

Malik does not teach or suggest the above recited element of independent claims 1 and 41, and the Final Office Action does not dispute otherwise as Malik is relied upon only for its alleged teachings of other elements recited in the dependent claims. Final Office Action at 7-10. Therefore, and without conceding any of these assertions with respect to Malik, Malik fails to cure the deficiencies of Doganata and Klein.

Amended independent claims 33, 73, 82, and 83, although of different scope, recite elements that are similar to those discussed above with respect to amended independent claims 1 and 41. As explained above, Malik fails to cure the deficiencies of Doganata and Klein as Malik is relied upon only for its alleged teachings of other elements recited in the claims. Final Office Action at 8-10.

Dependent claims 34-37 and 74-77 depend from amended independent claims 33 and 73, respectively. Dependent claims 34-37 and 74-77 are thus allowable at least by virtue of their dependence from an allowable independent claim.

For at least above reasons, the Final Office Action has failed to clearly articulate a reason why claims 12, 13, 22-25, 33-37, 52, 53, 62-65, 73-77, 82, and 83 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 12, 13, 22-25, 33-37, 52, 53, 62-65, 73-77, 82, and 83, and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

III. **The § 103(a) Rejection of Claims 17 and 57 Based on Doganata, Klein, and Herr**

Applicants traverse the § 103(a) rejection of claims 17 and 57 because a *prima facie* case of obviousness has not been established with respect to claims 17 and 57.

Dependent claims 17 and 57 depend from amended independent claims 1 and 41, respectively. Dependent claims 17 and 57 thus incorporate elements recited in independent claims 1 or 41. As explained above with respect to independent claims 1 and 41, Doganata and Klein, taken alone or in combination, fail to teach or suggest “providing the participant users with one or more options for declining the conference call, the one or more options including an option for declining participant users to specify a period of time to delay the conference call, wherein the declining participant users are contacted again for the conference call after the specified period of time expires,” as recited in amended independent claims 1 and 41.

Herr does not teach or suggest the above recited element of independent claims 1 and 41, and the Final Office Action does not dispute otherwise as Herr is relied upon only for its alleged teachings of other elements recited in the dependent claims. Final Office Action at 10. Therefore, and without conceding any of these assertions with respect to Herr, Herr fails to cure the deficiencies of Doganata and Klein.

For at least above reasons, the Final Office Action has failed to clearly articulate a reason why claims 17 and 57 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 17 and 57, and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

IV. The § 103(a) Rejection of Claims 18-21 and 58-61 Based on Doganata, Klein, and Kermani

Applicants traverse the § 103(a) rejection of claims 18-21 and 58-61 because a *prima facie* case of obviousness has not been established with respect to claims 18-21 and 58-61.

Dependent claims 18-21 and 58-61 depend from amended independent claims 1 and 41, respectively. Dependent claims 18-21 and 58-61 thus incorporate elements recited in independent claims 1 or 41. As explained above with respect to independent claims 1 and 41, Doganata and Klein, taken alone or in combination, fail to teach or suggest “providing the participant users with one or more options for declining the conference call, the one or more options including an option for declining participant users to specify a period of time to delay the conference call, wherein the declining participant users are contacted again for the conference call after the specified period of time expires,” as recited in amended independent claims 1 and 41.

Kermani does not teach or suggest the above recited element of independent claims 1 and 41, and the Final Office Action does not dispute otherwise as Kermani is relied upon only for its alleged teachings of other elements recited in the dependent claims. Final Office Action at 11-12. Therefore, and without conceding any of these assertions with respect to Kermani, Kermani fails to cure the deficiencies of Doganata and Klein.

For at least above reasons, the Final Office Action has failed to clearly articulate a reason why claims 18-21 and 58-61 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not

been established with respect to claims 18-21 and 58-61, and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

V. The § 103(a) Rejection of Claims 28-32 and 68-72 Based on Doganata, Klein, and Chakrabarti

Applicants traverse the § 103(a) rejection of claims 28-32 and 68-72 because a *prima facie* case of obviousness has not been established with respect to claims 28-32 and 68-72.

Dependent claims 28-32 and 68-72 depend from amended independent claims 1 and 41, respectively. Dependent claims 28-32 and 68-72 thus incorporate elements recited in independent claims 1 or 41. As explained above with respect to independent claims 1 and 41, Doganata and Klein, taken alone or in combination, fail to teach or suggest “providing the participant users with one or more options for declining the conference call, the one or more options including an option for declining participant users to specify a period of time to delay the conference call, wherein the declining participant users are contacted again for the conference call after the specified period of time expires,” as recited in amended independent claims 1 and 41.

Chakrabarti does not teach or suggest the above recited element of independent claims 1 and 41, and the Final Office Action does not dispute otherwise as Chakrabarti is relied upon only for its alleged teachings of other elements recited in the dependent claims. Final Office Action at 12-13. Therefore, and without conceding any of these assertions with respect to Chakrabarti, Chakrabarti fails to cure the deficiencies of Doganata and Klein.

In addition, the dependent claims recite further distinctions over the cited references. For example, dependent claims 32 and 72 recite, among other things, “contacting the first participant user at a second device that is different from the device the first participant user was operating during participation in the conference call to re-establish the first participant user with the conference call.” The Examiner asserted that “Chak[r]abarti discussed automatically re-establish connection in response to detection of an unintentional disconnection.” Final Office Action at 13. Chakrabarti, however, discloses “establish[ing] reconnection of the communication link with *the one mobile telephone* automatically in response to the detecting means detecting disconnection of the communication link with *the one mobile telephone*.” Chakrabarti, col. 3, line 10 - col. 4, line 4 (emphasis added). Thus, Chakrabarti does not teach or suggest “contacting the first participant user at a second device that is different from the device the first participant user was operating during participation in the conference call to re-establish the first participant user with the conference call,” as recited in dependent claims 32 and 72.

For at least above reasons, the Final Office Action has failed to clearly articulate a reason why claims 28-32 and 68-72 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 28-32 and 68-72, and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

VI. The § 103(a) Rejection of Claims 38, 40, 78, 80, 81², and 85 Based on Doganata, Klein, Malik, and Gottlieb

² Claim 81 was previously canceled.

Applicants traverse the § 103(a) rejection of claims 38, 40, 78, 80, and 85 because a *prima facie* case of obviousness has not been established with respect to claims 38, 40, 78, 80, and 85.

Dependent claims 38 and 78 depend from amended independent claims 1 and 41, respectively. Dependent claims 38 and 78 thus incorporate elements recited in independent claims 1 or 41. As explained above with respect to independent claims 1 and 41, Doganata and Klein, taken alone or in combination, fail to teach or suggest “providing the participant users with one or more options for declining the conference call, the one or more options including an option for declining participant users to specify a period of time to delay the conference call, wherein the declining participant users are contacted again for the conference call after the specified period of time expires,” as recited in amended independent claims 1 and 41. As explained above, Malik fails to cure the deficiencies of Doganata and Klein as Malik is relied upon only for its alleged teachings of other elements recited in the claims.

Gottlieb does not teach or suggest the above recited element of independent claim 1, and the Final Office Action does not dispute otherwise as Gottlieb is relied upon only for its alleged teachings of other elements recited in the dependent claims. Final Office Action at 14-15. Therefore, and without conceding any of these assertions with respect to Gottlieb, Gottlieb fails to cure the deficiencies of Doganata, Klein, and Malik.

Amended independent claims 40, 80, and 85, although of different scope, recite elements that are similar to those discussed above with respect to amended independent claim 1. As explained above, Malik and Gottlieb fail to cure the

deficiencies of Doganata and Klein, and therefore, Doganata, Klein, Malik, and Gottlieb fail to support the § 103(a) rejection of amended independent claims 40, 80, and 85.

For at least above reasons, the Final Office Action has failed to clearly articulate a reason why claims 38, 40, 78, 80, and 85 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 38, 40, 78, 80, and 85, and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

VII. The § 103(a) Rejection of Claims 39, 79, and 84 Based on Doganata, Klein, Malik, Chakrabarti, Gottlieb, and Henrikson

Applicants traverse the § 103(a) rejection of claims 39, 79, and 84 because a *prima facie* case of obviousness has not been established with respect to claims 39, 79, and 84.

Amended independent claims 39, 79, and 84, although of different scope, recite elements that are similar to those discussed above with respect to amended independent claim 1. For example, amended independent claims 39, 79, and 84 recite, among other things, “providing the participant users with one or more options for declining the conference call, the one or more options including an option for declining participant users to specify a period of time to delay the conference call, wherein the declining participant users are contacted again for the conference call after the specified period of time expires.”

As explained above, Doganata and Klein, taken alone or in combination, fail to teach or suggest the above recited element of amended independent claims 39, 79, and

84, and Malik, Chakrabarti, and Gottlieb fail to cure the deficiencies of Doganata and Klein.

Henrikson does not teach or suggest the above recited element of amended independent claims 39, 79, and 84, and the Final Office Action does not dispute otherwise as Henrikson is relied upon only for its alleged teachings of other elements recited in the claims. Final Office Action at 15-16. Therefore, and without conceding any of these assertions with respect to Henrikson, Henrikson fails to cure the deficiencies of Doganata, Klein, Malik, Chakrabarti, and Gottlieb.

For at least above reasons, the Final Office Action has failed to clearly articulate a reason why claims 39, 79, and 84 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 39, 79, and 84, and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

VIII. Conclusion

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1, 4-13, 15-41, 44-53, 55-80, and 82-86 in condition for allowance. Applicants submit that the proposed amendments of claims 1, 32, 33, 39-41, 72, 73, 79, 80, and 82-86 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

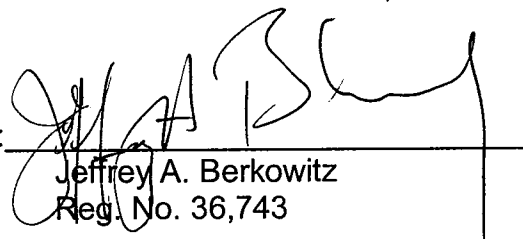
Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 20, 2010

By:



Jeffrey A. Berkowitz
Reg. No. 36,743